

JEREMY A. RABKIN  
PROFESSOR OF LAW  
ANTONIN SCALIA LAW SCHOOL  
GEORGE MASON UNIVERSITY

**Education**

PhD, Harvard University, Department of Government, March 1983  
Graduate work, University of Chicago, Dept of Pol. Sci. 1974-75  
B.A., Summa Cum Laude, Cornell University, 1974

**Prior Employment**

American Enterprise Institute, researcher and editor, 1978-1980  
Cornell University, Dept. of Government, professor, 1980-2007  
Harvard University, Dept. of Government, visiting professor, 1993

**Professional Affiliations**

United States Institute of Peace, Board of Directors  
Center for Individual Rights, Board of Directors  
Harvard Journal of Law and Public Policy, Board of Academic Advisors  
American Enterprise Institute, Project on Global Internet Strategy (2015-2017)  
American Enterprise Institute, Board of Academic Advisers (2005 -2015)  
Federalist Society, International & National Security Law Practice Group, Executive Com'tee

**Publications**

**I. Books**

*Striking Power, How Cyber, Robots, Space Weapons Change the Rules of War* (with John Yoo)  
(Encounter, 2017)  
*Law Without Nations?* (Princeton University Press, 2005)  
*The Case for Sovereignty* (AEI Press, 2004)  
*Why Sovereignty Matters* (AEI Press, 1998)  
*Judicial Compulsions, How Public Law Distorts Public Policy* (Basic Books, 1989)  
*The Fettered Presidency, Legal Limitations and the Conditions of Responsible Policymaking*  
(co-edited with L. Gordon Crovitz, AEI Press, 1989)

**II. Chapters in edited books**

“Strength in Obscurity: Resilience of International Investment Law” in David Sloss, ed,  
*Is the International Legal Order Unraveling?* (Oxford, 2022)  
“A Strange Institution: The EU Court of Justice” in H. Zimmermann, Andreas Duer eds.,  
*Key Controversies in European Integration* (3d. Ed., Palgrave 2021) (earlier versions in earlier eds.)  
“International Tribunals” and “Treaty Power” in *American Governance* (Macmillan, 2016)  
“Courts and Foreign Policy” in *Oxford Encyclopedia of American Military and Diplomatic History* (2012)  
“Conservatism” in *Oxford Companion to Political Studies* (2012)  
“Preserve, Protect and Defend” in T. Main, ed., *Is the American Constitution Obsolete?* (2012)  
“If You Need a Friend, Don’t Call a Cosmopolitan” in Rogers Smith, ed., *Varieties of Sovereignty and Citizenship* (UPenn Press, 2012)  
“Strange Pretensions of Contemporary Humanitarian Law,” in Christopher Ford, ed., *Rethinking the Law of Armed Conflict in an Age of Terrorism* (Lexington, 2011)

- "Law of Nations" in *Encyclopedia of Political Theory* (Sage, 2010)
- "Is it Unnatural to Shun Foreign Precedents" in Anthony Peacock, ed., *Freedom and Rule of Law* (2010)
- "Why Jean Bodin Advocated Witch-Hunting" in *Reason, Faith and Politics* A. Meltzer, ed., (2008)
- "Warren G. Harding" in James Taranto and Leonard Leo, eds., *Presidential Leadership* (Free Press, 2004)
- "The Conservative Case for Privacy" in Brad Watson, ed., *The Constitution and the Culture War* (Rowman & Littlefield, 2002)
- "In Defense of Reasonable Lines: Natural Law from a Natural Rights Perspective," in David Miller and Sohail Hashami, *Boundaries and Justice* (Princeton University Press, 2001)
- "Conservatism" and "Freedom of Speech" in *Oxford Companion to World Politics*, 2d ed (Oxford University Press, 2001)
- "Things Which Independent States May of Right Do," in William Kristol and Mark Blitz, eds., *Educating the Prince* (Rowman & Littlefield, 2000)
- "Porque e a Cidadania Supranacional uma ma Ideia" (Portuguese translation of "Why Supranational Citizenship is a Bad Idea") in *Cidadania e Novos Poderes Numa Sociedade Global* ("Citizenship and Powers in Global Society," Fundacao Gulbenkian, 2000)
- "The Value of Sovereignty and the Costs of Global Environmentalism," in Terry Anderson and Henry Miller, eds., *The Greening of U.S. Foreign Policy* (Hoover Inst. Press, 2000)
- "The Supreme Court and the Safeguarding of American Sovereignty" in Brad Wilson, ed., *The Supreme Court and American Constitutionalism* (Rowman & Littlefield, 1997)
- "Racial Divisions and Judicial Obstructions" in N. Devins, ed., *Redefining Equality* (Oxford University Press, 1997)
- "Feminism: Where the Spirit of the Sixties Lives On" in Stephen Macedo, ed., *Reassessing the Sixties, Debating the Political and Cultural Legacy* (W.W. Norton, 1997)
- "Revolutionary Visions in Legal Imagery: Constitutional Contrasts Between France and America" in R.C. Hancock and L.G.Lambert, eds., *The Legacy of the French Revolution* (Rowman & Littlefield, 1996)
- "White House Lawyering: Law, Ethics and Political Judgments" in C.W. Clayton, ed., *Government Lawyers* (University of Kansas Press, 1995)
- "Conservatism" in *Oxford Companion to World Politics* (Oxford Press, 1992)
- "Taxing Discrimination: Federal Regulation of Private Education by the IRS," in N. Devins, ed., *Public Values, Private Schools* (Stanford, 1989)
- "Where the Lines Have Held: Tort Claims Against the Federal Government," in Walter Olson, ed. *New Directions in Liability Law* (Proceedings of the Academy of Political Science, Vol. 37, 1988)
- "Legislative Power" in Leonard Levy and Kenneth Karst, eds., *Encyclopedia of the American Constitution* (Macmillan, 1986); "George Bush" (1991 Supplement)
- "The Politics of The Federalist and the Ideals of Bureaucracy" in Charles Kesler, ed., *Securing the Revolution* (Free Press, 1987)
- "The Reagan Revolution Meets the Regulatory Labyrinth" in Benjamin Ginsberg and Alan Stone, eds., *Do Elections Matter?* (M.E. Sharpe, 1986)
- "Comparable Worth as Civil Rights Policy" in *Comparable Worth: Issue for the 80s*, U.S. Commission on Civil Rights (1985) [reprinted in *Transaction/Society*, July/August 1985]
- "HEW's Office for Civil Rights" in James Q. Wilson, ed., *The Politics of Regulation* (Basic Books, 1980)

### III. Articles in academic journals

- "Criminal Justice is Local: Why States Disregard Universal Jurisdiction for Human Rights Abuses," *Vanderbilt Journal of Transnational Law* (S. 2022) (with Craig Lerner)
- "Origins of the APA: Misremembered and Forgotten Views," *Geo. Mason L. Rev.* (Vol. 28, 2020)
- "Sovereignty as a Brake on Nationalism," *St. Thomas Law Review*, 2021
- "Laundering Leo Strauss," *Perspectives on Political Science* (2017)
- "What Natural Law Teaches About the Rights of War," *National Security Law Journal* (F. 2016)
- "The Legend of the Privateer Airship," *The Green Bag*, Spring 2015
- "Proportionality: Historical Light on Law of Armed Conflict," *San Diego Int'l. L.J.* Spring 2015
- "Anglo-American Dissent from the European Law of War," *San Diego Int'l. L. J.* Fall 2014
- "Return to Coercion" (with John Yoo), *Hofstra L.J.* (2014)
- "Off the Track or Down the Line? Erie RR to Global Governance," 10 *GMU J.L.E.P.* (Fall 2013)
- "Navigating Conflicts in Cyberspace," 14 *Chicago J. Int'l Law* (Summer 2013)

"War Without End? Legal Wrangling Without End," *Case Western J. Int'l Law*, Spring 2013  
 "Even Republics Must Sometimes Strike Back," *Florida Int'l Univ L. Rev.*, Fall 2012  
 "Can We Win a War If We Fight by Cosmopolitan Rules?" *Orbis*, Fall 2011  
 "American Exceptionalism and Healthcare Reform Debate," *Harv. J. L. & Pub Pol*, Winter 2011  
 "U.S. Constitution and Universal Jurisdiction," *Rich. J. Global L. & Bus.*, Summer 2010  
 "Policy Implications of Reactions to Climate Change," *Wm & Mary Env. L. & Pol. Rev.*, 2009  
 "Personal Honor, National Honor, International Justice," *Krakowskie Studia Miedzynardowe* (2009)  
 "Self-Defense Shouldn't Be Too Distracted by International Law," *Harv. J. L. & Pub. Pol*, Winter 2006  
 "Recalling the Case for Sovereignty," *Chicago J. Int'l Law*, Winter 2005  
 "Global Criminal Justice: An Idea Whose Time Has Passed," *Cornell Int'l L. Journal*, Fall 2005  
 "What International Law Can Teach About Human Dignity," *Harv. J. L. & Pub Pol*, Spring 2004  
 "Ruling the World," *Political Science Quarterly*, Winter 2000-01  
 "Politics of the Geneva Conventions," *Virginia Journal of International Law*, Fall 2003  
 "Worlds Apart on International Justice," *Leiden Journal of International Law*, Fall 2002  
 "Is EU Policy Eroding the Sovereignty of Non-Member States?," *Chi. J. Intl. Law*, Fall 2000  
 "Nuremberg Misremembered," *SAIS Review* (Summer-Fall 1999)  
 "The Secret Life of the Private Attorney General," *Law & Contemporary Problems*, Fall 1998  
 "Grotius, Vattel and Locke: Older View of Liberalism and Nationality," *Review of Politics*, Spring 1997  
 "Constitutional Firepower: New Light on 2d Amendment," *J. Crim. Law and Criminology*, Fall 95  
 "At the President's Side: Role of the W.H. Counsel," *Law and Contemporary Problems*, Fall 1993  
 "Racial Progress and Constitutional Roadblocks," *34 Wm & Mary L. Rev.* 75 (1992)  
 "In Defense of American Liberties," *Constitutional Commentary*, Winter 1991  
 "The Success of Separation of Powers and Its Contemporary Failings," *BYU L. Rev.* 1987  
 "Averting Government by Consent Decree," *Stanford Law Review*, Nov. 1987  
 "Justice and Judicial Handwringing: The Death Penalty Since Gregg," *J. Crim. Justice Ethics*, 1985  
 "Industrial Policy: Reindustrialization Through Competition or Coordinated Action?," *Yale Journal of Regulation*, Vol. 2, No. 1 (with James C. Miller, III, Thomas F. Walton and William E. Kovacic)

#### IV. Selected Essays and Journalism

"Killer Robots Can Make War Less Awful" (with John Yoo), *Wall St. Journal*, Sept 1, 2017  
 "When Bystanders are not Innocent," *Wall Street Journal*, Aug. 15, 2017  
 "Liberty or Death," *Claremont Review*, Fall 2016  
 "Meanwhile, at the Hague (on ICC), *Weekly Standard*, Aug. 3, 2015  
 "After Iran, Climate Change" (on climate agreement), *Weekly Standard*, July 27, 2015  
 "Gentleman Patriot" (tribute to Walter Berns), *Weekly Standard*, Jan 26, 2015  
 "But ICANN Can't," *Weekly Standard*, Mar. 31, 2014  
 "This Means War," *Claremont Review*, Fall 2014  
 "Worse Than It Looks" (Syria agreement), Sept. 23, 2013  
 "Crimea and International Law," *Claremont Review*, Spring 2014  
 "Taking Globalism Seriously – Or Not," *Claremont Review*, Summer 2013  
 "Spirit of the Law," *Claremont Review*, Winter 2013  
 "The Limits of Justice," *Claremont Review*, Winter 2012  
 "Boasting Without Explaining," *Weekly Standard*, June 18, 2012  
 "Lawfare," *Jewish Review of Books*, Summer 2012  
 "Academic Paragon," *Weekly Standard*, Mar. 19, 2012  
 "The Justice Trickle," *The American Interest*, Nov/Dec 2011  
 "So Sorry," *Claremont Review*, Winter 2011  
 "Re-Reviewing the Lessons of History," *The Green Bag*, Winter 2010  
 "Here Comes the Judge," *Weekly Standard*, June 20, 2011  
 "The New Dealers' Court," *Wall Street Journal*, Nov. 6, 2010  
 "Aggression Outlawed!" *Weekly Standard*, Aug. 23, 2010  
 "A nuclear treaty's risk to the Senate," *Washington Post*, Aug. 4, 2010 (with Jack Goldsmith)  
 "The Constitution and American Sovereignty," *IMPRIMUS*, July/Aug 2009  
 "U.S. Abandons the Internet," *Wall Street Journal*, Oct. 3, 2009

"Two Cheers for Sovereignty," *First Things*, May 2009  
 "The New Spanish Inquisition," *Weekly Standard*, April 12, 2009 (with Mario Loyola)  
 "Let's Help Iranians Beat the Censors," *Wall Street Journal*, July 17, 2009  
 "A Treaty the Senate Should Sink," *Washington Post*, July 2, 2007  
 "Rumsfeld Accused," *Weekly Standard*, Dec. 4, 2006  
 "The Fantasy World of International Law," *Weekly Standard*, Aug. 21, 2006  
 "Court Hasn't Crippled the War on Terror," *Weekly Standard*, July 17, 2006  
 "Use and Abuse of Foreign Law by U.S. S. Ct.," *Weekly Stand*, April, 10, 2006  
 "Law of Sea Treaty: Bad Deal for U.S.," *Competitive Enterpr. Inst*, June 2006  
 "Continental Drift," *Claremont Review of Books*, Nov 2005  
 "Lesser Evil is Not Good Enough," *Claremont Review*, Januar 2005  
 "No Miracle in San Francisco," *Claremont Review*, 2004  
 "Beyond Guantanamo," *National Interest*, Summer 2002  
 "Guns in the U.S. and UK," *Public Interest*, Fall 2002  
 "International Kangaroo Court," *Weekly Standard*, April 25, 2002  
 "The Case Against the World Court," *The Australian*, June 17, 2002  
 "Keep out, United Nations," *The Australian*, Jan. 11, 2002  
 "Eurojustice," *The Weekly Standard*, Sept. 10, 2001  
 "Step Toward a Dangerous Court," *Wall Street Journal*, Jan. 2, 2001  
 "Suing for Human Rights is not Justice," *Asian Wall Street Journal*, Jan 2, 2001  
 "Human Rights Agendas and National Sovereignty," *Freedom in the World* (Freedom House), 2000  
 "Is Sovereignty Obsolete?," Institute for Policy Affairs, Melbourne, Australia, 2000  
 "This Court would be Criminal," *Weekly Standard*, June 20, 2000  
 "The Culture War that Isn't," *Policy Review*, Aug/Sept 1999  
 "First They Came for Pinochet," *The Weekly Standard* (Nov. 23, 1998)  
*Euroglobalism*, Center for New Europe, Brussels, 1998  
*Making Citizens*, 1998, Center for U.S. Studies, University of London  
*The Yellowstone Affair*, monograph published by Competitive Enterprise Inst., January 1997  
 "The Supreme Court in the Culture Wars," *The Public Interest*, Fall 1996  
 "An American Scholar," *The Public Interest*, Spring 1996  
 "David Souter: Stealth Justice," *Reader's Digest*, February 1996  
 "The Promethean Richard Posner," *American Spectator*, May 1996  
 "Globaloney, GOP-Style," *Weekly Standard*, February 26, 1996  
 "Godless in America," *Weekly Standard*, January 22, 1996  
 "Briefing for a Descent into Hell: Today's Campus," *Weekly Standard*, January 15, 1996  
 "The Sorry Tale of David Souter," *Weekly Standard*, November 6, 1995  
 "Judges for Sale," *American Spectator*, June 1995  
 "Suing the Government," *The New Republic*, May 8, 1995  
 "Reinventing Conservatism," *The Public Interest*, Winter 1995  
 "The Curious Case of Kiryas Joel," *Commentary*, November 1994  
 "Free Speech Vandalized," *American Spectator*, October 1994  
 "Trading in Our Sovereignty," *National Review*, June 13, 1994  
 "Threats to U.S. Sovereignty," *Commentary*, March 1994  
 "Wilson's Character," *Commentary*, October 1993  
 "Micromanaging the Administrative Agencies," *The Public Interest* #100 (Summer 1990)  
 "Can Courts Undo What Courts Have Done?" *Reason*, June 1989  
 "Disestablished Religion in America," *The Public Interest* #86 (Winter 1987)  
 "Constitutional Contrasts," *The American Spectator*, July 1987  
 "Politics by Independent Counsel," *The American Spectator*, May 1987  
 "Constitutional Enmities," *The Public Interest* #85 (Fall 1986)  
 "Welcome Retreat from Gov't by Consent Decree," *Wall Street Journal*, April 10, 1986  
 "Constitutional Roulette," *The American Spectator*, May 1986  
 "Constitutional Choices," *Constitutional Commentaries*, Winter 1986  
 "Oliver Wendell Holmes," *Law and History Review*, Spring 1986  
 "Law's Umpire," *New Perspectives*, Winter/Spring 1986  
 "A Civil Rights Snare," *New Perspectives*, Winter 1985  
 "Class Conflict Over Civil Liberties," *The Public Interest* #77 (Fall 1984)  
 "Reagan's Secret Quotas," *The New Republic*, August 5, 1985

"Captive of the Court," *Regulation*, May/June 1984

### **Congressional Testimony**

Senate Environment & Public Works Committee, President's Climate Agreement, July 8, 2015  
Senate Foreign Relations Committee, Convention on Rts of Persons with Disabilities, Nov. 21, 2013  
House Judiciary Committee, "Judicial Reliance on Foreign Law," Dec. 14, 2011  
Senate Judiciary Committee, "Getting to Truth Through Commission of Inquiry," Mar. 4, 2009  
House Judiciary Committee, "Executive Power and Constit'l Limitations," July 25, 2008  
House Judiciary Committee, "Supreme Court Reliance on Foreign Precedent," April 2004  
House International Relations Com'tee, "Int'l Tribunals," Feb 2002  
Senate Committee on Foreign Relations, "American Servicemen's Protection Act" (June 2000)  
House Committee on Resources, "American Lands Sovereignty Act" (Sept. 1996, June 1997)  
House Committee on Education and Labor, "Civil Rights Act of 1990" (February 1990)  
Senate Subcommittee on the Constitution, "Civil Rights Act of 1984" (May 1984)  
Senate Subcom'tee on the Const, "Effects of E.R.A. on Private Education," (Sept. 1983)

### **International Lectures**

Forum for Democracy, Dutch Parliament, July 2017 ("Is America Still Our Friend?" )  
Trans-Atlantic Law Forum, Hamburg, Ger, Oct. 2011 ("Failures of Euro-constitutionalism")  
EU Parliament, Brussels (skeptical caucus conf), Dec. 2005 ("Sov'ty is Safe")  
Aspen Institute Berlin, Sept 04 (on international criminal justice)  
Shalem Center, Jerusalem, Jan. 2004 ("Sovereignty in Modern Thought")  
Hebrew University, Israel (Nov. 2002) ("Sovereignty in *The Federalist*")  
Gulbenkian Foundation, Lisbon (Oct. 2001) ("Supranational Citizenship")  
Australian Senate Lecture, Canberra (September 2000) ("The Limits of Int'l Law")  
China Institute of International Studies, Beijing (August 2000) ("Humanitarian Interv.")  
Inst. For U.S. Studies, Univ. of London, London (May 1999) ("Federal Citizenship")  
Institute for Economic Affairs, London (May 1998) ("Eurogovernance Abroad")  
Center for the New Europe, Brussels (May 1998) ("Euroglobalism")  
APEC Studies Conference, Canberra (August 1997) ("Kyoto Protocol")

### **Teaching Awards (or "Recognitions")**

Merrill Presidential Award (named "most influential teacher" by Presidential scholars, 1999, 2001)  
"Best Professor," *Ithaca Times* , Readers Poll, 2002